Inquiry to fix accountability on errant operators

717. SHRI NILOTPAL BASU: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether it is a fact that a grey market has emerged since the interconnect usage charge regime of Government has been established in May, 2003 to deny BSNL Rs. 4.25 per international call;

(b) whether Government have conducted any inquiry to fix accountability on errant operators who are fleecing the BSNL and thereby restricting expansion of the network in rural and backward areas; and

(c) if so, the findings thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (DR. SHAKEEL AHMAD): (a) No, Sir. Grey Market exists much before May, 2003. The first case was detected in 1998.

(b) Yes, Sir. The Government has conducted a detailed inquiry and has found that one of the errant operators M/s Reliance Infocom Limited was routing incoming international calls with domestic CLI (Calling Line Identification) in trunk groups meant for domestic calls in violation of the License Agreement of Government of India, as well as Interconnect Agreeement with BSNL.

(c) M/s Reliance Infocom was found routing incoming international calls with domestic CLI in trunk groups meant for domestic calls, *i.e.* M/s Reliance has brought incoming international calls to India and handed over to BSNL as domestic calls after changing the calling line identification of these calls. M/s Reliance have neither intimated nor paid charges to BSNL as applicable for incoming international calls. Telecom Regulatory Authority of India (TRAI) in its IUC (Interconnection Usage Charge) Regulation had prescribed that applicable Access Deficit Charge (ADC) for incoming international calls is Rs. 4.25 per minute and for incoming domestic calls originated from fixed networks the applicable ADC is NIL. M/s RIL handed over such calls to BSNL as if such calls had originated in India from fixed networks of M/s RIL and, therefore, applicable ADC. This not only resulted in bypass of ADC of BSNL but also was violative of security instructions of Government. This is also violative of the terms and conditions of license

granted to them as they tempered with the CLI of the calling party. And for violation of license agreement a notice for imposing penalty of Rs. 150 crones have been issued by DoT to M/s Reliance on 24.11.2004. For this violation as per the IUC agreement, BSNL has asked M/s Reliance Infocom Limited to pay Rs. 182 crore on 29th October, 2004. However, M/s Reliance Infocom Limited appealed against this before the Hon'ble High Court. BSNL had filed an SLP(C) in the Hon'ble Supreme Court of India on 22nd November, 2004 to grant stay against the interim order dated 5th November, 2004 of the Hon'ble High Court of Delhi. The Hon'ble Supreme Court of India in its order dated 3rd December, 2004 has directed M/s RIL to make full payment as claimed by BSNL *vide* its letter dated 29th October, 2004 *i.e.* sum of Rs. 182.7 crores within a period of 4 weeks and subject to this payment by M/s RIL there shall be stay on the disconnection of its POIs by BSNL. The Hon'ble Supreme Court of India has also directed M/s RIL to file an affidavit that it is not changing the CLI of the international calls. While the total dues pending on M/s Reliance Infocom Limited as on 5.11.04 was Rs. 257 crore, M/s Reliance Infocom Limited has only paid approximately Rs. 100 crore so far. Similarly, MTNL has made a claim of Rs. 341.27 crores against M/s Reliance Infocom Limited and Reliance Infocom Limited has paid Rs. 66.76 crores to MTNL.

Telephone Exchanges connected with digital microwave system in Jammu and Kashmir

718. SHRI T.S. BAJWA: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) the number of telephone exchanges functioning in Jammu and Kashmir at present;

(b) the number of telephone exchanges connected with Digital Microwave System in the State; and

(c) the number of telephone exchanges likely to be opened in Jammu and Kashmir during 2004-05?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (DR. SHAKEEL AHMAD): (a) 359 telephone exchanges are working in Jammu and Kashmir at present.